

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Goldsmith and Fleming

Application No. 10/566,888

Filed: January 31, 2006

Confirmation No. 9527

For: SCREENING METHODS EMPLOYING
ZEBRAFISH AND THE BLOOD BRAIN
BARRIER

FILED VIA EFS

Examiner: Valarie E. Bertoglio

Art Unit: 1632

Attorney Reference No. 6947-71693-01

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RESPONSE TO RESTRICTION REQUIREMENT

This document is submitted in response to the Restriction Requirement, dated June 12, 2008, for which a one-month period for reply was set. Applicants hereby request a two-month extension and submit the fees via EFS, making a response timely through **September 12, 2008**. If it is determined that additional fees are required, the Commissioner is hereby authorized to take such fees from Deposit Account 02-4550

Claims 1-5, 7, 8, 10-13, 18, 21, 22, and 41-46 are pending in this application. No amendments are made in this filing.

Telephone Interview

Applicants thank the Examiner for discussing the pending finding of lack of unity with their undersigned representative on September 3, 2008. Agreement was not reached on all matters discussed.

Response

Without admitting to the appropriateness of the finding of lack of unity, Applicants hereby elect **Examiner's Group I** (indicated to contain claims 1-5, 7, 8, 41 and 42) for

prosecution in the subject application. Applicants reserve the right to prosecute at a late date any subject matter deemed to be non-elected.

The species election appears to relate only to claims in Examiner's Group II, as the listed alleged species are in claims 18 and 43-46. As Group I has been elected, Applicants believe that no species election is required. However, since all of claims 18 and 43-46 depend from claims in Group I (the elected Group), Applicants hereby elect Species A ("determining if the agent is transported by p-glycoprotein") to the extent such an election might be required. This species is read on by claims 18, 21, 22, 43, 44, 45 and 46, as well as the claims from which these depend (claims 1 and 3). Applicants thank the Examiner for acknowledging that non-elected species will be examined in the current case upon the allowance of a generic claim (which presumably is claim 1 and/or 3).

Based on the foregoing discussion, the claims are in condition for substantive examination. If any issues remain to be addressed prior to examination, the Examiner is invited to telephone the undersigned at the telephone number listed below.

Respectfully submitted,

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